

Remarks

1. Summary of the Office Action

In the office action mailed October 19, 2007, the Examiner rejected claims 13-16, 18-27, and 30 under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Pub. No. 2002/0013844 (Garrett), and the Examiner rejected claims 17, 28, and 29 under 35 U.S.C. § 103(a) as being allegedly obvious over Garrett in view of U.S. Patent No. 6,339,761 (Cottingham).

2. Status of the Claims

Applicant has amended claim 13 to include the limitations of claim 27 (which depended ultimately from claim 13) and the limitations of intervening claims 14-16. Claim 27 had recited that handling communications with the subscriber according to the logic set established for the designated layer (set aside for subscribers that have been authenticated by the designated service provider) involves disallowing a predetermined type of communication from passing from the subscriber to outside of the access network. In amending claim 13 to add this language, Applicant has changed this language to recite disallowing "at least a predetermined type" of communication from passing from the subscriber to outside of the access network. Applicant has then added a new dependent claim 31 to recite that "at least the predetermined type of communication" extends to all communications, as had been recited in claim 26 (which also depended ultimately from claim 13). Applicant has accordingly cancelled claims 14-16 and 26-27.

Applicant has similarly amended claims 21 and 23 to recite that restricting the first client station to communications in the first logical layer of the access network associated with the first selected service provider and according to the first service qualification comprises handling

communications with the first client station according to a logic set established for the first logical layer, and that handling communications with the first client station according to the logic set established for the first logical layer comprises disallowing at least a predetermined type of communication from passing from the first client station to outside of the access network. Further, Applicant has similarly added new dependent claims 32 and 33 to recite that "at least the predetermined type of communication" extends to all communications.

Now pending are claims 13, 17-25, and 28-33, of which claims 13, 21, and 23 are independent and the remainder are dependent.

2. Response to Rejections

Without conceding the Examiner's assertions regarding the other claims, Applicant submits that the Examiner clearly erred in rejecting claims 26 and 27 under 35 U.S.C. § 102(e) as being anticipated by Garrett. Consequently, Applicant submits that claim 13, which has been amended to include the limitations of claim 27, should be allowed. Further, Applicant submits that claims 21 and 23 should be allowed, as Garrett fails to teach the functionality added by claim 27, now incorporated largely into claims 21 and 23. In turn, Applicant submits that the dependent claims should all be allowed as well for at least the reason that they depend from the allowable independent claims.

Claim 27 (now incorporated into claim 13) involved receiving from a subscriber on an access network an authentication request designating a service provider, sending the request to the designated service provider, receiving from the designated service provider an authentication response indicating successful authentication and including a service qualification, responsive to the authentication response assigning the subscriber to operate in a designated layer of the access network set aside for subscribers that have been authenticated by the designated service provider

and to operate according to the service qualification, and serving the subscriber in the designated layer including handling communications with the subscriber according to a logic set established for the designated layer, wherein handling communications with the subscriber according to the logic set established for the designated layer comprises disallowing a predetermined type of communication from passing from the subscriber to outside of the access network.

Considering the scope of this claim as a whole, it is clear that the claim requires (i) positive authentication by the service provider and then, (ii) in accordance with the authentication response, disallowing a predetermined type of communication from passing from the subscriber to outside of the access network. This combination of elements, in the context of claim 27, is not taught by Garrett. Therefore, Garrett did not anticipate claim 27, and thus Garrett does not anticipate amended claim 13.

In rejecting claim 27, the Examiner relied on Garrett's teaching at paragraph 0026 that a router will deny packet transmission if the source address in the packet does not match any of the addresses allocated to subscribers of a first service provider or any of the addresses allocated to subscribers of a second service provider. However, that teaching in Garrett involves disallowing packet transmission in response to the source client station *not* having an IP address associated with a service provider. Thus, the teaching in Garrett clearly relates to a situation where the source client station has *not* been authenticated (or the like) by any of the service providers and thus does not have an IP address associated with any of the service providers. As a result, the teaching of Garrett clearly does not involve the claim 27 function of *in accordance with the authentication response (which provides positive authentication), disallowing a predetermined type of communication from passing from the subscriber to outside of the access network.*

Claim 27 involved disallowing a predetermined type of communication from passing from the subscriber to outside of the access network *in accordance with the positive authentication response*. With Garrett's teaching, the denial of packet communication occurs when there has been no authentication or, more particularly, when the client station's assigned IP address is not one associated with any of the service providers. This clearly differs from the invention of claim 27 (now claim 13).

For at least the foregoing reasons, Applicant submits that claims 13, 17-20, 24, and 30-31 are allowable. Further, as noted above, for largely the same reasons, Applicant submits that claims 21-24 and 32-33 are allowable.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: January 17, 2008

By: /Lawrence H. Aaronson/
Lawrence H. Aaronson
Reg. No. 35,818